

Motion DENIED.

This the 23rd day of December, 2015.

/s/Louise W. Flanagan, U.S. District Judge

THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF
NORTH CAROLINA

FILED

NOV 30 2015

JULIE RICHARDS JOHNSTON, CLERK
US DISTRICT COURT, EDNC
BY  DEP CLK

ROBERTO LOPEZ-GOMEZ
PETITIONER

DATE: 11-19-2015

V

CASE NO: 5:14-CR-234-1FL-FLANAGAN

UNITED STATES
DEFENDANT

PRO SE

THIS MOTION WITH EXHIBITS FOR A SENTENCING MODIFICATION IS BROUGHT FORWARD FOR VIOLATION OF 8 USC 1228(a) A VIOLATION OF THE 4th AMMENDMENT FOR HOLDING A PERSON WITHOUT BAIL. IT ALSO ASK FOR A SENTENCE REDUCTION FOR A VIOLATION OCCURRING UNDER 18 USC 3624(a) and 18 USC 3624 (c) AND SPECIFICALLY THE PETITIONER IS REQUESTING A DOWNWARD DEPARTURE AND SENTENCE MODIFICATION IN A CRIMINAL ACTION UNDER ~~SMITH~~ V UNITED STATES 27 F.3d. 649 ,655,307 US. DC.199 (DC 1994). " BECAUSE A DEPORTABLE ALIEN IS NOT ELIGIBLE FOR SUPERVISED RELEASE AND OTHER PROGRAMS UNDER 18 USC 3624 AND THE COURT MAY DEPART DOWNWARD FOR A FORTUITOUS INCREASE IN THE SEVERITY OF HIS SENTENCE." HE ALSO IN A RELATED ISSUE ASK FOR A FURTHER REDUCTION IN HIS SENTENCE FOR A VIOLATION AGAINST HIM UNDER 18 USC 3624(a) BY DELAYING THE RELEASE OF ALL DEPORTABLE ALIENS AT THE END OF THEIR LEGAL SENTENCE. THERE IS A CONSTITUTION VIOLATION ALSO UNDER "THE SECOND CHANCE ACT" PUB.L.NO.110-199 SEC. 3624 WERE UNDER 3621(b) IS A "FAILURE TO EVALUATE" THE PETITIONER FOR A HALFWAY HOUSE . ALSO NOW A BIVENS ACTION UNDER 42 USC 1983

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